

February 8, 2012

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Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: **CG Docket No. 02-278 – Notice of Ex-Parte Communication**

Dear Ms. Dortch:

In accordance with Section 1.1206 of the Commission's Rules, 47 C.F.R. §1.1206, Silverlink Communications, Inc. ("Silverlink") hereby provides notice that on February 6, 2012, Stan Nowak, CEO of Silverlink, and Paul Besozzi, Carly Didden and the undersigned, Silverlink's counsel, met with Jessica Almond, Special Counsel, from Chairman Genachowski's Office to discuss Silverlink's individually tailored and interactive health-related automated calls subject to regulation under HIPAA. *See* attached handout. Silverlink's calls are not telemarketing calls, are designed to change health behaviors, and are made to consumers that have a pre-existing relationship with a health provider. We also discussed the fact that Silverlink's calls are strictly regulated under HIPAA as treatment, payment or operational calls, not marketing calls, and that the FTC's Telemarketing Sales Rules does not regulate Silverlink's calls since they are not telemarketing calls. Lastly, we encouraged the Commission not to add an additional layer of regulation to Silverlink's calls since the HIPAA regulations that apply to Silverlink's calls already balance consumer privacy and a consumer's need to receive important health-related information.

Ms. Marlene H. Dortch
February 8, 2012
Page 2

Silverlink is filing this notice in CG Docket No. 02-278 through the Electronic Comment Filing System.

Sincerely,

/s/ Nicholas W. Allard

Nicholas W. Allard
Counsel to Silverlink Communications, Inc.

cc: Stan Nowak, Silverlink
Jessica Almond

Phone-Care: HIPAA-Compliant Health Consumer Communications

Extending Care and Delivering Health Information to Everyone



Silverlink's Mission

At Silverlink, we get that health and healthcare costs – which are enormous, both in size and significance – are actually the sum of millions of personal, individual decisions. When one person decides to smoke, another gets a cancer screening, a third abandons diabetes medication, a fourth switches to mail-order pharmacy – these are the individual behaviors that, taken together, make up the state of our nation's health and the costs associated with it.

That is why when Silverlink set out to transform healthcare, we went right to the individual. Our entire focus, our mission, and our method are about helping our clients move individual people in impactful, healthier ways – the cumulative effect of which can save millions of lives and billions of dollars.

Our Impact on Health

Silverlink is a leading provider of automated voice solutions for the healthcare industry. We deliver up to **1 million personalized, interactive and HIPAA-compliant health-related calls per day** on behalf of health plans, pharmacy benefit managers (PBMs), specialty pharmacies, medical supply companies and population health companies. Our customers represent over 150 million covered lives.

These communications are sent directly to healthcare consumers who have a **pre-existing health-related relationship with the entity placing calls** – and often are to the elderly and chronically ill who rely on such messages for their healthcare needs.

Examples include outreach to motivate:

- Adherence to chronic care regimens
- Preventive health screenings
- Care immediately following hospitalization
- Flu immunizations
- Compliance with prescription medications

FTC Ruling

In 2008, the **FTC agreed to exempt healthcare-related calls subject to HIPAA regulations from the Telemarketing Sales Rule**. In September of 2009, those rulings officially went into effect. The FTC's ruling specifically excludes healthcare-related prerecorded calls subject to HIPAA regulations from new requirements, as well as purely informational prerecorded calls which are not designed to sell a product or service.

CMS Evaluation

Silverlink has worked extensively with CMS to demonstrate our technology capabilities and how we interact with Medicare beneficiaries. We have **executed over 550 programs with CMS approved scripts**. CMS determined that Silverlink's automated call technology is 'interactive and consistent' and can be used to support various administrative processes. On June 30, 2010, The Director of Policy, Analysis and Planning confirmed our technology complies with Medicare Marketing Guidelines 70.6.

For more information

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Automated Call Programs: Improving Health Outcomes

Chronic Care Management

The American Heart Association estimates that 1/3 of the U.S. population has hypertension, with upwards of 2/3 of those over 64-years-old having the condition and 35% of these cases not being adequately controlled. The goal of Silverlink's hypertension education and monitoring solution is to effectively engage and empower Medicare hypertensive patients in controlling their chronic condition.

Silverlink worked with a top ten national health plan on a hypertension management program. By sending participants automated blood pressure cuffs, and using interactive and automated communications with educational information and barrier-breaking tips, participants showed a reduction in blood pressure and improved the rate of getting cholesterol screenings.

60% of participants stayed engaged over the 12-month program

57% moved from out-of-control blood pressure to well or adequately controlled

5% improvement in cholesterol screening rates

Preventive Care Screenings

Preventive health screenings are a critical component to early detection of disease. Silverlink offers cancer screening programs that are aimed at motivating preventive screenings and reducing health disparities for ethnic minorities. The goal is to close the healthcare gap in minority populations which historically have been difficult to effectively reach and impact.

Silverlink recently worked with UnitedHealthcare to improve the rate of colorectal cancer screenings. The results show measurable improvement for certain populations when ethnic-specific messaging is used and when a male voice delivered the message.

56% improvement in colorectal cancer screenings

89% improvement in the rate of colorectal cancer screenings in Latino populations when the message is delivered by a male voice

10% improvement in the rate of colorectal cancer screenings in Latino populations when the message is ethnic-specific

Medication Adherence

Medication adherence is an issue that has far-reaching health and cost implications for our country. The New England Healthcare Institute estimates the current cost of poor adherence at \$290 billion annually. Silverlink's adherence programs improve adherence by identifying personal barriers to care, and then providing barrier-breaking educational messages to help individuals overcome their key obstacles to taking their medications.

Silverlink worked with Kaiser Permanente on a statin adherence program. The program demonstrated that interactive, automated calls can reach members in a scalable and efficient way to successfully educate and motivate them to refill their statin medications.

85% improvement in refill rates

27% of those who did not intend to refill, did in fact refill their medication after listening to the message

56% of the total reachable population interacted with the outreach and listened to the message

About Silverlink

Silverlink knows the healthcare consumer — and we know every point of contact offers a chance to impact their behavior. Our solutions are trusted by 100 of the nation's largest and most influential health plans, pharmacy benefit managers and population health companies to build stronger relationships with consumers and dramatically lower costs. Silverlink's unique approach combines real-time consumer interactions, behavioral insights and process innovation to unlock the value that consumers represent in healthcare's complex cost equation.

To learn more about what makes Silverlink the leader in healthcare consumer communications, please visit www.silverlink.com, email info@silverlink.com, or call 1.781.425.5700.